

Minutes of the Ashburnham Conservation Commission
December 28, 2009

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone
 LD: Lorraine DeSouza (8:00 PM) LC: Lori Capone, Conservation Agent

7:30 PM MD opened the meeting of the Ashburnham Conservation Commission under the Wetlands Protection Act, M.G.L. Ch. 131 Sect. 40, and in accordance with the Ashburnham Wetlands Protection Bylaw.

7:31 PM As explained at the previous Hearing, MD reiterated that LD was recusing herself from the proceedings because she is an abutter to Sunset Lake and has a pending legal matter associated with said property relative to the Lake Association. MD explained the need to institute the Rule of Necessity in order for the Commission to act on the request.

CP: Motion to proceed under the Rule of Necessity

MD: Seconded the Motion

Motion carried unanimously 2-0

Seeing no objections, MD opened the Hearing for a five year Extension request to their Orders of Conditions for chemical treatment for Billy Ward Pond, Little Watatic, Lower Naukeag, Sunset Lake, and Lake Watatic. MD asked if there were any abutters present to speak for or against the application. Parties present were Mark Dymek and Frank Fiorentino from Watatic Lake, Joseph Land from Sunset Lake and Will Stevenson from Lycott Environmental. CP explained that pursuant to requests made of the Commission at the last Hearing inquiries were made of the Board of Selectmen but it was determined that the Board of Selectmen had no authority over this matter. CP suggested issuing a one year extension to allow the applicants sufficient time to file a complete application. MD agreed it was reasonable only if the represented parties agreed to file a new application before the permit expires in 2010. Mark Dymek requested a two year extension in order for the lake association to accumulate enough funds to apply for a new Notice of Intent. MD stated that he would consider a one year extension with the understanding that if an extension is requested next year, he will adamantly deny any further extensions. The parties present requested assistance from the Commission to complete the new application. There was much discussion and the Commission provided resource materials. MD stated that the information submitted must be adequate for the Commission to make an informed decision and explained that the Commission could not complete their applications for them. MD requested background data be included in the new submittal as well as a long term plan, i.e. lake management strategies to cut down on the need and frequency of chemical control. Mr. Land asked if they could have an example of an NOI. MD referred them to their respective representatives, i.e. Lycott Environmental and/or Aquatic Control Technologies. In order to reduce the cost to the lake associations associated with notification of abutters, MD consulted with DEP CERO who stated that newsletters, email and/or bulletin

board postings with a signed affidavit attesting to the fact that abutters have been properly notified would satisfy the abutter notification requirements.

CP: Motion to issue a one year extension with a clear expectation that this will be the last extension of these Orders.

MD: Seconded the Motion

Motion carried unanimously 2-0

* LD joined the Commission for the next Hearing

7:45(8:00) PM MD opened the Notice of Intent Hearing for the Naukeag Lake Club located at 172 Packard Hill Road last continued from December 14, 2009 for the proposed seasonal drawdown, placement of beach sand on the beaches and minor dam repairs, as needed. MD asked if there were any abutters present to speak for or against the application: none were present. LD requested the applicant to define the need for a Spring drawdown. Mr. Cornwall explained that if the drawdown was performed in the Fall, there is insufficient water from Upper Naukeag to refill the lake until Spring. The Commission felt that it is acceptable to perform the drawdown in the Spring due to the fact that this would minimize the time the resource area is exposed. It was agreed that two boards would remain in place in order to leave a small ponded area for wildlife habitat during the drawdown process. Mr. Cornwall asked if the Order could be issued for 5 years. The Commission agreed to issue a five year Order with receipt of annual reports.

LD: Motion to close the Hearing and issue an Order of Conditions per discussion

CP: Seconded the Motion

Motion carried unanimously 3-0

Other Business:

1. LC presented a violation letter for 5 Ashe Road for failure to request the required erosion control inspections. LC informed the Commission that the homeowner has resolved this matter.
2. MD requested information on the Notice of Non-Compliance for the Factory Village Dam. LC informed the Commission that this is not a Town owned dam and was not a Conservation issue at this time.
3. The Commission discussed the complaint they received regarding tree clearing activities near Whitney Pond. LC inquired with the Rail-Trail Committee who indicated that they saw an abutter performing work out there. The Commission requested LC follow up with the abutter.
4. The Commission discussed a potential violation at 4 Liberty Lane. LC noticed that the pile of fill was no longer on the premises and the lawn had been hydro-seeded. The Commission discussed their options and decided to table the matter till the next meeting.
5. LC presented a Request for a Partial Certificate of Compliance for 66 Lincoln Road. LC has reviewed the as-built plan however the soil has not been completely stabilized yet.

LD: Motion to issue a Partial Certificate of Compliance

CP: Seconded the Motion

Motion carried unanimously 3-0

6. LC presented a request for a six month extension for 20 Blueberry Road. LC explained that this Order corresponds to the construction of a new house. All work has been completed and the homeowner has stabilized the site with crushed stone and mulch, however, the snow cover will not allow for an inspection so the homeowner has requested a six month extension.
CP: Motion to issue a six month extension to 20 Blueberry Road
LD: Seconded the Motion
Motion carried unanimously 3-0
7. MD: Motion to approve the minutes of August 24, September 14, September 28, October 26 and November 9, 2009
CP: Seconded the Motion
Motion carried unanimously 3-0
8. CP noted that the GIS students at Fitchburg State were looking into developing a trail map for the Bush Hill Property
9. The Commission requested LC to contact the Highway Department regarding placing a cover over the well located at the corner of Russell Hill Road and Stagecoach Road.

MD: Motion to adjourn

CP: Seconded the Motion

Motion carried unanimously 3-0

Meeting adjourned at 8:52 PM

Respectfully submitted by Lori Capone, Conservation Agent